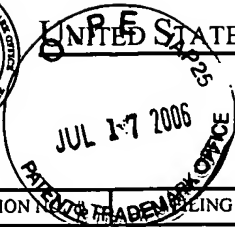




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APPLICATION NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/724,143

12/01/2003

Maury G. Van Vliet

369-2US

1119

20212

7590

07/05/2006

THOMPSON LAMBERT  
SUITE 703D, CRYSTAL PARK TWO  
2121 CRYSTAL DRIVE  
ARLINGTON, VA 22202

EXAMINER

CHAMBERS, A MICHAEL

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/724,143

Applicant(s)

VAN VLIET ET AL.

Examiner

A. Michael Chambers

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/13/04&amp;04/02/06</u> | 6) <input type="checkbox"/> Other: ____  |

**--DETAILED ACTION**

1. This application has been examined. Claims 1-23 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

5. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins, Jr. in view of Patterson et al. The claims are readable on the patent to Watkins, Jr. with the

Art Unit: 3753

exception of the recitation of the cylindrical tank being double-walled as taught by Figure 2 of Patterson et al. Note in particular the pump 80 and coacting filter elements shown in Figures 3 and 4 and discussed in column 4, lines 44+. Disposition of the respective elements relative to the chassis is clearly shown. The particular material of construction of the tank 11 is deemed design choice. It would have been obvious to one of ordinary skill in the art to modify the tank of Watkins, Jr, to be double-walled in order to more safely transport the fuel. With regard to method claims 20-23, it would have been obvious to one of ordinary skill in the art to operate the modified tank truck of Watkins, Jr. as above by the recited method steps.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Michael Chambers whose telephone number is 571-272-4908. The examiner can normally be reached on Mon-Thur. 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on 571-272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

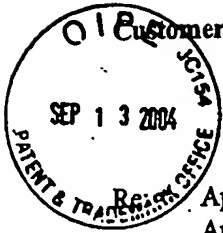


A. Michael Chambers  
Primary Examiner  
Art Unit 3753

amc  
06/24/06

09/13/04

1/2



Customer No. 020212

**Information Cited by the Applicant(s) that may be Material  
to the Prosecution of the Subject Application**

Application Serial No. 10/724,143  
 Applicant: Saveonjetfuel.com Inc.  
 Title: Mobile Dual Containment Highway Tank  
 Art unit: 3728 3753  
 Examiner: ~~Unknown~~ *Chamber*  
 Filed: December 1, 2003

**United States Patent Documents**

Examiner Initial	ID	Document Number	Date	Name	Class	Sub Class
<i>MC</i>	A1	4,100,860	July 18, 1978	Gablin et al.	109	83
<i>[scribble]</i>	A2	4,579,249	April 1, 1986	Patterson et al.	220	421
<i>[scribble]</i>	A3	5,102,503	April 7, 1992	Silinski et al.	202	83
<i>[scribble]</i>	A4	5,271,657	Dec 21, 1993	Lockett	296	181
<i>[scribble]</i>	A5	5,285,920	Feb 15, 1994	McGarvey	220	444
<i>[scribble]</i>	A6	5,259,527	Nov 9, 1993	Gates	220	571
<i>[scribble]</i>	A7	5,682,750	Nov 4, 1997	Preston et al.	62	50.2
<i>[scribble]</i>	A8	5,887,567	Mar 30, 1999	White et al.	123	294
<i>[scribble]</i>	A9	6,375,222B1	Apr 23, 2002	Wade	280	837
<i>DM</i>	A10					

212

**Other Information**

(Include author, title, date of publication to extent known, relevant pages, and place of publication if known)

Examiner

Initial ID

Document Identification

me

C1

"Highway Tanks and Portable Tanks for the Transportation of Dangerous Goods"; August 1998 by Canadian Standards Association, Ontario, Canada; CAN/CSA-B620-98; pages 1-116; General Instruction No. 3; March 2000; General Instruction No.5; April 2001; Update No. 6; November 2001.

me

C2

"Standard for Aboveground Steel Contained Tank Assemblies for Flammable and Combustible Liquids" May, 1994; (Amended June, 1997) by Underwriters' Laboratories of Canada; ULC-S653-94; ;pages 1-13.

me

C3

Information printed from [www.tanksolutions.com/chassis.htm](http://www.tanksolutions.com/chassis.htm) on September 19, 2003.

me

C4

Information printed from [www.nortruck.com](http://www.nortruck.com); on September 19, 2003.

Examiner:

me

Date Considered:

06/06

[Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P; draw line through citation is not in conformance and not considered. Include copy of this form with next communication to applicant]





<b>Notice of References Cited</b>	Application/Control No. 10/724,143		Applicant(s)/Patent Under Reexamination VAN VLIET ET AL.	
	Examiner A. Michael Chambers		Art Unit 3753	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2,871,872	02-1959	MORRIS ROWLES FRANKLIN	137/351
*	B	US-3,095,894	07-1963	JENSEN JAMES A	137/267
*	C	US-4,394,027	07-1983	Watkins, Jr., Robert G.	280/837
*	D	US-5,349,994	09-1994	Koeninger, Robert C.	141/94
*	E	US-5,630,625	05-1997	Shaw, Donald W.	280/838
*	F	US-6,405,748	06-2002	Muhs et al.	137/351
*	G	US-2003/0184077	10-2003	Stobart, Allan William	280/838
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

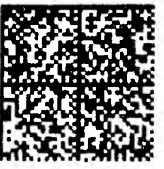
**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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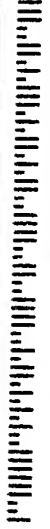
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